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Attorney's Docket No. RYUK.001RE

DECLARATION PURSUANT TO 37 C.F.R. 1.175 - USA REISSUE APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a reissue patent is sought on the invention entitled SWALLOWING-ASSISTIVE DRINK; the specification of which was filed on Mar. 13, 2000 as Application Serial No. 09/524,247, and issued on Aug. 21, 2000 as U.S. Patent No. 6,277,395.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I believe that my original U.S. Patent No. 6,277,395 is wholly or partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had a right to claim in the patent. Specifically, the claims, as originally issued, did not specifically claim a product that is in prepared form, uncombined with a medicine, or a method wherein the swallowing-assistive material is combined with a medicine and the combination is swallowed immediately after the combining step. This error is remedied in the present reissue application by the addition of Claims 15, 17, 19, and 20 to methods for taking a medicine and Claims 21 and 23 to swallowing assistive materials, which claims specifically include the desired limitations. In addition, the specification and claims replace the unconventional term "jelly strength" with the more idiomatic term "gel strength."

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant;

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Atsuko Fukui

Inventor's signature Atsuko Fukui

Date 11 / 8 / 2003

Residence: 3-17-12 Misora, Yotsukaido-city, Chiba, Japan

Page 2

Attorney's Docket No. RYUK.001RE

Citizenship: Japan

Post Office Address: 2-4-8, Higashi Kanda, Chiyoda-ku, Tokyo, Japan

Full name of Second inventor: Masanori Nakajima

Inventor's signature Masanori Nakajima

Date 11 / 8 / 2003

Residence: 4-8-406, 4-chome Masago, Mihama-ku, Chiba-City, Chiba, Japan

Citizenship: Japan

Post Office Address: 2-4-8, Higashi Kanda, Chiyoda-ku, Tokyo, Japan

Full name of third inventor: Takashi Kamijima

Inventor's signature Takashi Kamijima

Date August 11, 2003

Residence: 400, Misuzu, Ima-shi, Nagano

Citizenship: Japan

Post Office Address: 396-0111

2-4-8, Higashi Kanda, Chiyoda-ku,
Tokyo, Japan

Full name of fourth inventor: Mika Ohta

Inventor's signature Mika Ohta

Date August 11, 2003

Residence: 679-1 Miyada Kamiina-gun, Nagano.

Citizenship: Japan

Post Office Address: 399-4301

2-4-8, Higashi Kanda, Chiyoda-ku,
Tokyo, Japan

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

Page 3

Attorney's Docket No. RYUK.001RE

FOR-69

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072503

RYUK.001RE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Atsuko Fukui Masanori Nakajima, Takashi Kamijima, Mika Ohta)
Assignee	:	Ryukakusan Co. Ltd.)
Reissue of Patent	:	6277,395)
Issued	:	August 21, 2001)
For	:	SWALLOWING-ASSISTIVE DRINK)
Examiner	:	Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The original assignment is recorded at Reel 010820 and Frame 0876. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Tel phone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this

Reissue of Patent No. : 6,277,395
Issued : August 21, 2001

application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

RYUKAKUSAN CO. LTD

Dated: 12/8/2003

By: Ryuta FUJII

Title: President

Address: 4-8, 2-Chome Higashi-Kanda,
Chiyoda-ku,
TOKYO, JAPAN

HADOCS\CMF\CMF-1355.DOC
080803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Atsuko Fukui, Masanori Nakajima, Takashi Kamijima, Mika Ohta
Assignee	:	Ryukakusan Co. Ltd.
Reissue of Patent	:	6,277,395
Issued	:	Aug. 21, 2001
For	:	SWALLOWING-ASSISTIVE DRINK

ASSENT OF ASSIGNEE TO REISSUE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee, ("Assignee").

In accordance with 37 CFR 3.37(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified letters patent by virtue of an assignment from the inventor of said letters patent. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 010820, Frame 0876. A copy of the assignment is attached.

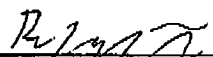
The undersigned has reviewed all the documents in the chain of title of the letters patent identified above, and to the best of the undersigned's knowledge and belief, title is in the Assignee.

Assignee hereby assents to the accompanying application for reissue of the above-identified letters patent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Assignee : Ryukakusan Co. Ltd.
Reissu of Patent : 6,277,395

Name of Assignee: Ryukakusan Co. Ltd.

Declarant's Signature: 

Declarant's Name: Ryuta TUJIZ

Declarant's Title: President

Dated: 12 / 8 / 2003

AMEND
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072703

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New
- ☐ Resubmission (Non-Recordation)
Document ID#
- ☐ Correction of PTO Error
Reel # Frame #
- ☐ Corrective Document
Reel # Frame #

Conveyance Type

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

U.S. Government

(For Use ONLY by U.S. Government Agencies)

- ☐ Departmental File ☐ Secret File

Conveying Party(ies)☒ Mark if additional names of conveying parties attachedName (line 1) Execution Date
Month Day Year
Name (line 2) **Second Party**Name (line 1) Execution Date
Month Day Year
Name (line 2) **Receiving Party**☐ Mark if additional names of receiving parties attachedName (line 1) Name (line 2) Address (line 1) Address (line 2) Address (line 3) Zip Code

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name Address (line 1) Address (line 2) Address (line 3) Address (line 4) **FOR OFFICE USE ONLY**

ADDITIONAL NAMES FOR

RECORDATION FORM COVER SHEET
PATENTS ONLY

FORM PTO-1619A

Conveying Parties

Third Party Name	<u>NAKAJIMA, MASANORI</u>	Execution Date <u>030800</u>
Fourth Party Name	<u>OHTA, MIKA</u>	<u>031000</u>

ASSIGNMENT OF APPLICATION

Docket Number (Optional)
MOTAB-001US

Whereas, I, Masanori NAKAJIMA of 4-8-406, Masago 4-Chome, Mihama-Ku
(Address)
referred to as applicant, have invented certain new and useful improvements in _____
A SWALLOWING-ASSISTIVE DRINK

☐ for which an application for a United States Patent was filed on _____,
Application Number _____/_____.

☒ for which an application for a United States Patent was executed on _____, and

Whereas, RYUKAKUSAN Co. Ltd. herein referred to
5-12, 2-chome Higashi-Kanda
"assignee" whose post office address is Chiyoda-ku, Tokyo, JAPAN is de-
sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of _____ dollars (\$_____), the receipt whereof is ac-
knowledgeed, and other good and valuable consideration, I, the applicant, by these presents do sell, assign
and transfer unto said assignee the full and exclusive right to the said invention in the United States and the
entire right, title and interest in and to any and all Patents which may be granted therefor in the United States,
I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States
Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof;
and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may
be granted, as fully and entirely as the same would have been held by me had this assignment and sale not
been made.

Executed this 8th day of March, 2000,
at Tokyo, Japan

Masanori Nakajima
(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said _____
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____.

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION

Docket Number (Optional)
MOTAB-001US

Whereas, I, Takashi KAMIJIMA of 4100, Misuzu, Ina-Shi, Nagano Pref., Japan, hereafter
(Address)
referred to as applicant, have invented certain new and useful improvements in _____
A SWALLOWING-ASSISTIVE DRINK

- ☐ for which an application for a United States Patent was filed on _____,
Application Number _____/_____.
☒ for which an application for a United States Patent was executed on _____, and

Whereas, RYUKAKUSAN Co. Ltd. herein referred to
5-12, 2-chome Higashi-Kanda
"assignee" whose post office address is Chiyoda-ku, Tokyo, JAPAN is de-
sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of _____ dollars (\$ _____), the receipt whereof is ac-
knowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign
and transfer unto said assignee the full and exclusive right to the said invention in the United States and the
entire right, title and interest in and to any and all Patents which may be granted therefor in the United States,
I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States
Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof;
and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may
be granted, as fully and entirely as the same would have been held by me had this assignment and sale not
been made.

Executed this 10th day of March, 2000,
at Tokyo, Japan

Takashi Kamijima
(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said _____
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, _____.

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION

Docket Number (Optional)
MOTAB-001US

Whereas, I, Atsuko FUKUI of 17-12, 3-Chome Misora, Yotsukaido-City
Chiba Pref., Japan, hereafter
(Address)
referred to as applicant, have invented certain new and useful improvements in _____
A SWALLOWING-ASSISTIVE DRINK

☐ for which an application for a United States Patent was filed on _____,
Application Number _____/_____.

☒ for which an application for a United States Patent was executed on _____, and

Whereas, RYUKAKUSAN Co. Ltd. herein referred to
5-12, 2-chome Higashi-Kanda
"assignee" whose post office address is Chiyoda-ku, Tokyo, JAPAN is de-
sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of _____ dollars (\$_____), the receipt whereof is ac-
knowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign
and transfer unto said assignee the full and exclusive right to the said invention in the United States and the
entire right, title and interest in and to any and all Patents which may be granted therefor in the United States,
I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States
Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof;
and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may
be granted, as fully and entirely as the same would have been held by me had this assignment and sale not
been made.

Executed this 8th day of March, 2000,
at Tokyo, Japan

Atsuko, Fukui
(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said _____
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____.

Seal

(Notary Public)

ASSIGNMENT OF APPLICATION

Docket Number (Optional)
MOTAB-001US

Whereas, I, Mika OHTA of 6791-1, Miyada-Mura, Kamiina-Gun,
(Address)
referred to as applicant, have invented certain new and useful improvements in _____
A SWALLOWING-ASSISTIVE DRINK

☐ for which an application for a United States Patent was filed on _____,
Application Number _____/_____.

☒ for which an application for a United States Patent was executed on _____, and

Whereas, RYUKAKUSAN Co. Ltd. herein referred to
5-12, 2-chome Higashi-Kanda
"assignee" whose post office address is Chiyoda-ku, Tokyo, JAPAN is de-
sirous of acquiring the entire right, title and interest in the same;

Now, therefore, in consideration of the sum of _____ dollars (\$_____), the receipt whereof is ac-
knowledged, and other good and valuable consideration, I, the applicant, by these presents do sell, assign
and transfer unto said assignee the full and exclusive right to the said invention in the United States and the
entire right, title and interest in and to any and all Patents which may be granted therefor in the United States,
I hereby authorize and request the Commissioner of Patents and Trademarks to issue said United States
Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof;
and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may
be granted, as fully and entirely as the same would have been held by me had this assignment and sale not
been made.

Executed this 10th day of March, 2000,
at Tokyo, Japan

Mika Ohta
(Signature)

State of _____) SS:
County of _____)

Before me personally appeared said _____
and acknowledged the foregoing instrument to be his free act and deed this _____
day of _____, _____.

Seal

(Notary Public)

PATENT

Docket No.: RYUK.001RE

Date: August 11, 2003

REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 CFR 1.178)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

The undersigned applicant of the accompanying application for the reissue of letters patent for the improvement in SWALLOWING-ASSISTIVE DRINK, U.S. Patent No. 6,277,395, issued on Aug. 21, 2001, of which Ryukakusan Co. Ltd. is the sole owner by assignment, and on whose behalf and with whose assent this accompanying application is made, hereby offers to surrender said letter patent.

Ryukakusan Co. Ltd.

Dated: 12/8/2003

Signature: Ryuta FUJII

Name: Ryuta FUJII

Title: President